

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DK LIPA LLC,

Plaintiff,

-against-

MISF SOLAR LLC, PROJECT NY LLC, MASTIC
INDUSTRIAL SOLAR LLC, GERALD
ROSENGARTEN, HOWARD ROSENGARTEN, SION
SOHAYEGH, BIJOUN KAYPOUR, ARTUR MADEJ,
THOMAS FALZ, ULRICH FALZ, and MARKUS
FALZ,

Defendants

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No: 20-cv-4273 (LGS) (DCF)

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE, that upon the annexed Declaration of James M. Wicks, dated November 23, 2020, the exhibits annexed thereto, the accompanying Memorandum of Law, and upon all of the pleadings and prior proceedings herein, defendants MISF Solar, LLC, Mastic Industrial Solar, LLC, Gerald Rosengarten, Howard Rosengarten, Sion Sohayegh, Bijoun Kaypor, Markus Falz and Ulrich Falz (collectively, "Defendants"), by their respective undersigned counsel, will move this Court, before the Honorable Lorna G. Schofield, at Courtroom 1106, 40 Centre Street, New York, New York 10007, on January 26, 2021 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint of plaintiff DK LIPA in its entirety with prejudice, and for such other and further relief as the Court deems just and proper.

Dated: Uniondale, New York
November 24, 2020

FARRELL FRITZ, P.C.

By: s/James M. Wicks

James M. Wicks

Kathryn C. Cole

Paige D. Bartholomew

Attorneys for Defendants Project NY, LLC,

Thomas Falz, Ulrich Falz, and Markus Falz

400 RXR Plaza

Uniondale, New York 11556

(516) 227-0700

GANFER SHORE LEEDS & ZAUDERER LLP

By: *s/Craig S. Kesch*

Craig S. Kesch
Dawn M. Wilson
Attorneys for Defendant MISF Solar, LLC
360 Lexington Avenue
New York, New York 10017
(212) 922-9250

LOUIS FOGEL & ASSOCIATES

By: *s/Louis Fogel*

Louis Fogel
Attorneys for Defendants Mastic Industrial Solar, LLC, Gerald Rosengarten, Howard Rosengarten, Sion Sohayegh and Bijoun Kaypor
75 Wall Street, Suite 33-A
New York, New York 10005
(212) 944-1580